

## **EPL Data Entry - Process**

### **General:**

This process describes the CIWQS data entry steps that must be followed when entering Expedited Payment Letters (EPLs) into CIWQS.

EPLs are issued to resolve potential penalty actions through public notification, order issuance, and payment of the matter. In these cases, an EPL is issued specifying the violations that would be addressed through settlement and payment of specific penalty amounts. It is accompanied by a waiver that may be signed by the discharger. Upon the signed waiver being returned, the matter is noticed to the public as a proposed settlement. After the requisite notice period, the waiver is then countersigned by the Executive Director or an Executive Officer, and the EPL becomes an Administrative Civil Liability (ACL) Order recognized by both parties as resolving the violations. If the discharger rejects the EPL offer, or the matter is challenged by the public, the EPL is withdrawn and an ACL complaint may be issued.

This data entry process starts with creating a new enforcement action using the enforcement action wizard. If the EPL becomes an order, the same regulatory measure record is used to represent the resulting ACL order record. If the EPL does not become an order and a complaint is issued, then a new regulatory measure is created to represent the ACL complaint.

### **Steps:**

#### **A. Create a new EPL**

1. Find a violation record that represents a violation that the EPL was issued to address.
2. On the "Linked Enforcement Action" tab, click "Launch Enforcement Action Wizard."
3. Select "Expedited Payment Letter" from the drop down menu in response to "What type of Enforcement Action would you like to create?"
4. Select "Active" as the status of the enforcement action.
5. Confirm that the correct staff is listed. If the correct staff isn't listed, click the corresponding button, which takes you to the party search screen to find the correct staff. Click "select" in the right hand column corresponding to the correct staff.
6. Enter the date that the EPL was issued in response to the question "When was the Enforcement Action adopted or issued?"
7. Click the "Add A Liability" button in the table titled "Liability." The name of the liability will display in reports and can help distinguish between liabilities if there are multiple.
8. When a new window opens, enter the name of the liability.
9. Confirm the correct responsible party has been selected. If there is more than one responsible party, select one of them. Once the enforcement action has been created, go back and add additional responsible parties for the liability.
10. Confirm that the correct organization classification is displayed for the responsible party selected. If it is not, once the enforcement action has been created, go to the corresponding party record and change the organization classification.

11. Select “yes” or “no” in response to the question “Does this address an MMP?”
12. Enter a brief description. This description displays in the Enforcement Milestone Report.
13. Add a milestone.
  - a. Select “Initial ACLC Liability” as the “Milestone Type.”
  - b. Select “Not Completed” as the “Status” of the milestone.
  - c. Enter the amount referenced in the EPL associated to one of the Water Code sections that gives authority to issue the enforcement action. Note that the required format requires a decimal and cents places be entered (Ex. 5000.00).
  - d. If needed, enter a comment associated with the milestone.
  - e. Select the Water Code section associated to the amount entered for this milestone.
  - f. Enter the date by which the milestone should be paid. This is the same response date by which the signed waiver should be returned.
  - g. Click the “Add Liability” button.
14. If there are multiple Water Code sections referenced as providing the authority to issue the enforcement action, add additional milestones for each necessary Water Code section referenced by repeating step 13 until a milestone is created for each Water Code section referenced. Note that Water Code sections 13385(h)(1) and 13385(i)(2) are combined in the Water Code drop down menu so if the EPL references these sections, the amounts can be summed and only one milestone created.
15. Click the “Add Liability” button.
16. The window will close, leaving the enforcement action wizard screen open. Click the “Create Enforcement Action” button.
17. A new window will open displaying the new enforcement action.
18. Enter the EPL number in the “Order/Resolution Number” field.
19. Click the “Save” button.
20. Unlink the “Adoption/Issuance Date.”
21. Select “EPL Issuance Date” from the drop down menu of date types.
22. Copy the “Effective Date” and paste the date into the “EPL Issuance Date” field.
23. Click the “Save” button.
24. Review the General Info, Related Parties, and Related Places tabs to confirm that the record is correct. Note that there must be a “Discharger,” “Regulating,” and “Staff” on the related parties tab, and a place with the place type of facility or subtype of facility with the relationship of “Regulated By” on the related places tab.
25. Review the Enforcement tab.
26. Add “Staff Cost,” “Economic Benefit,” and “Maximum Potential Liability” if these are given in the enforcement action itself. Click the “Save” button.
27. Add any other violations referenced in the EPL as being addressed by the EPL by clicking the “Link a Violation” button. Use the violation search screen to query for the necessary violations. Use the check boxes and/or the buttons to select the necessary violations.
28. Click the “Save” button.
29. Attach a pdf copy of the issued EPL on the Attachments tab, checking the “Publish” box before uploading.

**B. EPL Is Signed By the Responsible Party**

1. Find the enforcement action created in the process described in A, above.
2. In the date section, select the date type “Hearing Waived/ACL Settled.”
3. Enter the date that the Responsible Party signed the EPL.
4. Click the “Save” button.


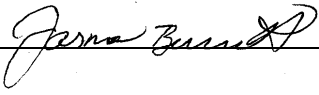
**C. EPL is Noticed and Counter Signed**

1. The EPL has now become an order. Find the enforcement action created in the process described in A, above.
2. Change the regulatory measure type to “Admin Civil Liability.”
3. Change the title to follow: ACLO [order number] Settled EPL [order number, if different] for [Discharger], [place, if necessary] or MMPO [order number] Settled EPL [order number, if different] for [Discharger], [place, if necessary]
4. Update the description. This field displays in the Enforcement Order Report. The description must include a summary and time period of violations that led up to the enforcement action, and the amount assessed or a summary of the tasks being required. For example “ACL Complaint in amount of \$574,000 for violations of WDRs, specific effluent limitation violations for May 2005 raw sewage spill (approx. 178,000 gal) to Gas Canyon Creek.”
5. Add the date type of “Adoption/Issuance Date” to the date section of the regulatory measure.
6. Add the date that the order was signed by the Executive Director or the Executive Officer in the field corresponding to the “Adoption/Issuance Date.”
7. Click the “Save” button.
8. Copy the “Adoption/Issuance Date” and paste it into the “Effective Date” field.
9. Click the “Save” button.
10. Attach a pdf copy of the issued order on the Attachments tab, checking the “Publish” box before uploading. Do not include a copy of the check received in the attached documents.
11. When Department of Administrative Services (DAS) staff receives the corresponding check, they will find the enforcement action and review the milestones.
  - a. If the received check is for the full amount, staff will:
    - i. Record the check amount in the “Paid/Received Amount” field of the corresponding milestone.
    - ii. Add the date the check was deposited in the “Actual Date” field of the corresponding milestone.
    - iii. Change the milestone status to “Completed.”
    - iv. Click the “Save” button.
    - v. Repeat steps i through iv if there are multiple milestones,
    - vi. Contact the Regional/State Board staff related to the enforcement action and the CIWQS Coordinator to update them on the enforcement action.
    - vii. If the EPL doesn’t turn into an order and the money must be refunded, the payment must also be removed from the milestone amount.
  - b. If the received check is not for the full amount, staff will:

- i. Record the check amount in the “Paid/Received Amount” field.
  - ii. Add the date the check was deposited in the “Actual Date” field.
  - iii. If there are multiple milestones, staff will apply amounts and dates as they interpret to be appropriate. Regional/State Board staff may need to be contacted to determine which milestones the payments should be applied to.
  - iv. Contact the Regional/State Board staff related to the enforcement action and the CIWQS Coordinator to update them on the enforcement action.
12. When Regional/State Board staff have been contacted
- a. If the amount received was the full amount, staff will:
    - i. Change the status of the enforcement action to “Historical.”
    - ii. Click the “Save” button.
  - b. If the full amount was not received, staff will decide on the next course of action (i.e. issue a new enforcement action or wait for the full payment to be received).

### C. EPL Isn’t Signed By Both Parties

1. Change status of EPL to “Withdrawn.”
2. When an ACL complaint is issued, create a new regulatory measure.
3. Relate the withdrawn EPL to the new ACL with the relationship of “Replacing.”

APPROVAL SECTION			
<u>Approver</u>	<u>Printed Name</u>	<u>Signature</u>	<u>Date</u>
Business Rules Team	Committee Members Present	Approved as Meeting Agenda Item	1/4/11
CIWQS Quality Assurance Lead	Eric Maag		1/4/11
Statewide CIWQS Coordinator	Jarma Bennett		1/4/11